UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/50/861
25 January 1996

ORIGINAL: ENGLISH

Fiftieth session
Agenda item 38

THE SITUATION OF DEMOCRACY AND HUMAN RIGHTS IN HAITI

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted to the General Assembly following the report of the Secretary-General of 12 October 1995 on the situation of democracy and human rights in Haiti (A/50/548), and pursuant to resolution 50/86 of 15 December 1995, in which the Assembly, inter alia, requested the Secretary-General to submit regular reports to it and, in operative paragraph 2, stated its readiness, upon consideration of a recommendation by the Secretary-General and at the request of the Haitian authorities, to extend the United Nations component of the International Civilian Mission to Haiti (MICIVIH) beyond 7 February 1996 in an appropriate resolution. The report provides an assessment of the current human rights situation in Haiti and an evaluation of institutions charged with human rights protection. In accordance with paragraph 2 of the above-mentioned resolution, the report sets out a proposal for a programme of future activities for an extended MICIVIH mandate. The report has been prepared in consultation with the Secretary-General of the Organization of American States (OAS).

II. THE HISTORICAL CONTEXT AND THE WORK OF THE INTERNATIONAL CIVILIAN MISSION TO HAITI 1993-1994

2. MICIVIH, under the joint auspices of the United Nations and OAS, was established in February 1993 at the request of Haiti's elected president, the Reverend Jean-Bertrand Aristide, in view of the gravity of the human rights situation under the military-backed de facto regime.

3. MICIVIH was deployed throughout Haiti's nine administrative regions from February until October 1993, when its observers were evacuated on security grounds following actions by the military authorities that prevented the

disembarkation of the military contingent of the United Nations Mission in Haiti (UNMIH) from the United States naval vessel Harlan County. This led to the withdrawal of the first elements of UNMIH that were already in the country. MICIVIH returned to Haiti in January 1994. Based only in Port-au-Prince, observers made regular visits to the provinces. However, the Mission faced growing restrictions on its movements. The military authorities, which had become increasingly uncooperative since July 1993, expelled MICIVIH in July 1994 after deeming its presence undesirable.

4. The mandate of MICIVIH required it to ensure that human rights inscribed in the Constitution and in international instruments to which Haiti is a party were respected. Particular attention was paid to respect for the right to life, the integrity and security of the person, individual liberty and freedom of expression and association.

5. From the outset, the Mission documented widespread arbitrary detention, systematic beating and torture, internal displacement and persistent violation of the right to freedom of expression and association. After the signing of the Governors Island Agreement in July 1993 (see A/47/975-S/26063, para. 5), the human rights situation deteriorated, with the emergence of a pattern of extrajudicial executions and enforced disappearances. Many persons, in particular members of popular organizations, were arbitrarily arrested and held in illegal detention, including in secret detention centres. Torture continued on a large scale. After its return to Haiti in January 1994, MICIVIH documented a further major deterioration in the situation, including a new phenomenon, that of politically motivated rape. Throughout. the repression appeared to be aimed at the destruction of the pro-democracy movement and was concentrated in poor neighbourhoods and rural areas known for their support of President Aristide.

6. The violations were committed mainly by members of the Haitian Armed Forces (FADH), and chefs de section (rural police chiefs), along with FADH military-backed armed civilians known as attachés and other unofficial armed groups. After September 1993, a new paramilitary group, the Front révolutionnaire pour l'avancement et le progrès d'Haïti (FRAPH), emerged. Its members are accused of having carried out widespread human rights violations. These military and military-backed groups acted with absolute impunity, with little or no official attempt to investigate violations or to sanction the perpetrators.

III. HUMAN RIGHTS AFTER THE RETURN OF PRESIDENT ARISTIDE

7. Authorized by the Security Council in its resolution 940 (1994) of 31 July 1994, a Multinational Force (MNF) was deployed in Haiti in September 1994 to facilitate the departure of the military authorities and the return of President Aristide and constitutional government. President Aristide returned to Haiti on 15 October 1994. UNMIH replaced MNF on 31 March 1995 and was charged with helping to maintain a stable and secure environment. MICIVIH activities resumed on 26 October 1994, with the reopening of its headquarters and an office in Port-au-Prince. Twelve further offices were subsequently opened in Haiti's nine departments. By June 1995, a total of 190 observers had been deployed, although the number of observers had dropped to 165 by December. With the return to constitutional order, MICIVIH has been operating in a very

different political and human rights context. At a 4 November 1994 meeting, senior representatives of the United Nations and OAS agreed that while the Mission would continue to give priority to the monitoring and promotion of human rights, it would also contribute, within its mandate, to the strengthening of democratic institutions, in particular those relating to human rights protection. It was also agreed that MICIVIH would participate in the monitoring of the forthcoming elections during which it would pay particular attention to respect for the freedoms of expression and assembly. During its third deployment, the Mission has also placed emphasis on institution-building and human rights promotion.

8. Since President Aristide's return, the human rights situation has improved substantially. The systematic violation of human rights ceased with the presence of MNF and the return to constitutional order, with the neutralization of the FRAPH and other military-backed groups and after the dismantling of the armed forces. The fundamental freedoms of expression, association and assembly are widely enjoyed, including by those critical of the President and the Government. An Interim Public Security Force (IPSF) was initially deployed under the supervision of international police monitors who were part of MNF. The IPSF incorporated former members of the FADH whom screening had cleared of human rights violations and former refugees trained at Guantánamo. A new civilian police force, the Haitian National Police (HNP), was subsequently created and has now taken over from the IPSF, which was abolished in December 1995. There have been efforts to reform the judicial system, including training programmes for judicial officials. A civilian body charged with the administration of Haiti's prisons has been created and a programme of penal reform is being implemented.

9. The activities of MICIVIH during its third deployment were described in some detail in my report of 12 October 1995 on the situation of democracy and human rights in Haiti (A/50/548). Since the report, MICIVIH has continued to monitor human rights violations by state agents and to raise such cases with the relevant local and national authorities. In this regard, it has made a number of recommendations to the Ministry of Justice, police and penal authorities both on individual cases of abuse and on general measures that could improve human rights protection. These include strengthening institutional mechanisms that are being set up to investigate complaints of human rights abuses committed by police, prison guards and judicial officials.

10. In addition to regular monitoring of conditions of detention, surveys have been carried out in all prisons to identify detainees, including juveniles, held beyond legal limits pending trial in order to expedite the resolution of the most flagrant cases. MICIVIH has continued to monitor the prison register system and to train prison officers in its correct use. It has also provided legal advice to a ministerial committee on possible solutions to prison overcrowding.

11. MICIVIH has continued to participate in the human rights training of new police cadets, their supervisors, presidential security agents, examining magistrates and justices of the peace. It has monitored the functioning of the judiciary at all levels and made representations to local and national authorities when due process has not been respected. It has also provided

support to the newly created Brigade d'enquêtes criminelles through the transmission of certain pre-screened dossiers to the civilian police component of UNMIH and has submitted to the Ministry of Justice recommendations for reform related to disarmament, the ratification of international human rights instruments and other legal issues.

12. MICIVIH has completed the handover of dossiers, including medical ones, on past cases of human rights violations that had been requested by the National Commission on Truth and Justice. The Mission's forensic anthropologist provided technical assistance to the Commission and submitted a report on exhumations that had been carried out. The Mission's medical unit, in addition to preparing medical reports on victims of abuses, has facilitated the establishment of a network to rehabilitate such victims.

13. As part of the human rights and civic education programme, a number of seminars have been organized throughout the country bringing together a wide spectrum of local organizations and government, police, judicial and local elected officials. MICIVIH has also developed a programme to train trainers in order to strengthen local capacity in this area. In zones where land conflicts are prevalent, MICIVIH has contributed to the peaceful resolution of disputes by facilitating dialogue between the opposition parties and between those parties and government and judicial officials. A series of videos and radio programmes have been produced by the Media Unit, both about MICIVIH work and about prisons, police and other related topics, as well as a monthly newsletter.

14. Finally, MICIVIH observers monitored the human rights aspects of the presidential election campaign, as well as being seconded to the OAS Electoral Observation Mission to monitor the voting on 17 December 1995.

15. Nevertheless, weaknesses in the institutions charged with human rights protection, including the new police force, highlight the need for further training and reform in order to eradicate and prevent abuses. Although abuses are not widespread, systematic or - except in the case of certain judicial practices - institutionalized, MICIVIH has identified a number of problems. These have principally involved the use of excessive force by police, including several individuals being shot dead or injured, as well as some cases of beatings by prison guards and, in a few instances, by police. Of particular concern is the fact that some of the victims of ill-treatment in detention have been minors. Some arbitrary arrests have been reported and police have on occasion failed to respect legal procedures when conducting searches. Official assurances that alleged misconduct will be investigated are encouraging. However, few have thus far resulted in sanctions and it is clear that the newly instituted internal investigative and disciplinary mechanisms need to be strengthened. Despite greater efforts by judicial officials to respect legal and constitutional guarantees - including procedural time-limits - arbitrary and illegal practices persist, including irregularities in the preparation of arrest warrants, restrictions on the right to defence, prolonged pre-trial detention and some cases of non-respect by prosecutors of decisions handed down by examining judges.

16. The persistence of incidents of summary "justice" has also been of concern. In these cases persons suspected or caught in the act of breaking the law, or,

to a much lesser extent, suspected of witchcraft, are killed by spontaneously formed crowds. This underlines the continuing lack of public confidence in the ability of the public security and judicial systems to fulfil their responsibilities satisfactorily. Also of particular concern is a series of targeted killings by armed assailants in which robbery did not appear to be the motive, although no evidence has emerged to date to link these killings to state agents. Victims have included both known supporters and opponents of President Aristide, as well as others. Because of the police and judiciary's lack of investigative capacity, no progress has yet been made in solving these crimes.

17. The underlying fragility of the current situation was highlighted during the disturbances that followed the killing of Deputy Feuillé on 7 November 1995 and the speech by President Aristide at his funeral, in which the President called on the population to assist police with disarmament. Subsequent incidents included searches of arms in homes and vehicles by crowds that police were often unable to control. In addition, several former military and other perceived associates of the de facto government were murdered or injured, or had their property destroyed, by crowds. These incidents served as a reminder that intensified efforts are needed to strengthen the institutions charged with the effective guarantee of human rights and of the law.

IV. STATUS OF INSTITUTIONS CHARGED WITH GUARANTEEING HUMAN RIGHTS

A. The police

18. The creation of the new civilian police (HNP) has been a major step forward in the direction of ending the type of systematic abuse of human rights that characterized the former Haitian Armed Forces under the de facto regime. Between June and December 1995, two thirds of the projected 5,000 newly trained police agents were deployed throughout Haiti. Viewed from the perspective of human rights protection and accountability for police actions, the performance of the HNP to date has been encouraging, although some structural problems remain. The four-month training programme needs to be complemented by continuous education, as well as the training of suitable candidates for officer positions, which is envisaged for spring 1996. Specific police units have been trained and deployed for security at the Presidential Palace, at government ministries and at courts of law (officiers de sécurité judiciaire). Training and initial deployment have also begun for a criminal investigations unit (Brigade d'enquêtes criminelles), but further training and guidance in investigation techniques will be required for this group, as well as specific training for the planned riot control unit (compagnie d'intervention).

19. A new police Inspectorate-General (Inspection générale) was set up, inter alia, to investigate complaints of police abuses. It needs to be strengthened through further training of inspectors in investigation techniques as well as through the elaboration of clearer disciplinary regulations and procedures. Its relationship with the criminal justice system would benefit from clarification. By a presidential decree of 6 December 1995, some agents of the IPSF, including 900 Guantánamo trainees, were incorporated into the HNP. They also include 130 former FADH officers who were assessed as "good to

excellent performers" by the civilian police component of UNMIH while serving with the IPSF. Their training, functions and possible criteria for the evaluation of their suitability for their new positions are under discussion.

20. MICIVIH has been instrumental in bringing to the attention of central authorities problems with police functioning in the field, in particular with regard to the use of firearms and excessive force, as well as in incorporating such information into the training curriculum for new recruits at the Police Training Academy (Académie de Police). In view of the increasing numbers of persons held for longer periods of time in police detention centres, training of police and the elaboration of appropriate regulations in the treatment of persons in police custody must be addressed. Often in conjunction with material and logistical deficiencies, problems with police conduct remain. Such problems include breaches of basic discipline such as the non-wearing of uniforms and lack of proper identification on vehicles; the bearing of arms while off duty; the disproportionate use of force in carrying out police duties; lack of experience in the legitimate use of firearms; inappropriate methods of crowd control; and insufficient use of techniques for the peaceful settlement of disputes. Disciplinary measures for transgressions by individual police agents have, for the most part, not been forthcoming, and the prosecution system has been slow to respond in establishing individual responsibility for instances of death or serious injury at the hands of the police. Public confidence in the new Haitian police has suffered as a result.

B. The penal system

21. The implementation of an internationally funded programme of penal reform, begun in the spring of 1995, has resulted in extensive improvements in prison conditions and the treatment of persons in detention throughout Haiti. Despite these improvements, conditions of detention are still below acceptable international norms. The penal system has also benefited from the creation of an independent, civilian National Authority for Prison Administration, the APENA (Administration pénitentiaire nationale). A two-week training session was held in June 1995 for newly recruited guards, including a selection of former Haitian army personnel. The efficiency of the new Haitian police has resulted in a marked increase in arrests, which, together with judicial delays and the tendency to imprison suspects pending trial, is putting pressure on the prison system to handle ever larger numbers of detainees awaiting trial. Each instance of a prison escape, often made easier by dilapidated prison facilities, leads to increased public concern about the prison system and its impact on public security. Efforts are being made to speed up the processing of prisoners, in particular in Port-au-Prince. Moreover, a circular is being prepared on the prevention of unnecessary arrests and measures to facilitate the release of prisoners.

22. Material problems with sanitation, nutrition and health care also remain. In addition, the imprisonment of detainees in facilities intended for persons in police custody hampers the effectiveness of the penal reform programme, which deals exclusively with the penitentiary system. Despite substantial improvements in prisoner registration, achieved with MICIVIH assistance, numerous pre-trial detainees still fall in the gap between prison administration

and prosecution authorities. Possibly owing to increased tensions arising from overcrowding, instances of ill-treatment of detainees, though still fairly sporadic, are on the rise. Further training of guards on the proper scope of their functions, as well as necessary improvements in internal investigation mechanisms and disciplinary procedures, are becoming urgent. The elaboration of regulations and procedures relating to prison discipline is also needed. Resources have yet to be identified for the creation of facilities specifically for the care and treatment of juvenile offenders, although their separation from adults has been, for the most part, secured.

C. The judicial system

23. It is widely accepted that the Haitian judicial system is in urgent need of large-scale reform. Important initiatives to date, some of which have been implemented with international donor assistance, have included the setting up of the Judicial Training College (École de la Magistrature) in July 1995, providing supplementary training for judicial officials. Additional courthouses have been opened, basic equipment has been provided and a programme of rehabilitation and construction of courthouses has been prepared. In addition, a decree on judicial discipline has been promulgated and a large number of judges and prosecution officials have been replaced as part of a continuing process. However, more fundamental problems exist. The protection of human rights through a judicial system is predicated on the independence and impartiality of the judiciary. Although the Haitian judicial system is conceived as a separate, independent entity of state power, it has historically been subordinated to the executive. Considerable effort is still needed to instil in the judiciary a tradition of objectivity, independence and impartiality.

24. Detention of suspects under judicial investigation is the norm. This, combined with an increasing backlog of cases, has led to prison overcrowding. Historically, low salaries - although increased in 1995 - have led judicial officials to supplement their income by teaching at secondary schools, and have encouraged a culture of demanding payment for judicial services. Chronic understaffing, inadequate and crumbling facilities, and lack of basic equipment further exacerbate the existing backlogs and damage the prestige of the institution. The total lack of any form of legal assistance to indigent defendants makes it virtually impossible for the vast majority to protect their rights. The use of the French language in the courtroom limits the ability of most defendants to follow the proceedings. There is, consequently, little public confidence that the Haitian judicial system can either bring criminals to justice or protect individuals' rights.

V. PROPOSED PROGRAMME COMPONENTS SHOULD THE MANDATE OF THE INTERNATIONAL CIVILIAN MISSION BE RENEWED

25. Taking into account the foregoing evaluation of institutions charged with protecting human rights and the radically changed political and human rights situation, the responsibilities of MICIVIH during a next phase would consist of two main elements: (a) technical assistance in the field of institution-building based on the observation and evaluation of institutional performance

and reforms with reference to human rights; and (b) the development of a programme for the promotion and protection of human rights. The following is a summary of the proposed main areas of responsibility.

A. Institution-building

26. The MICIVIH contribution to institution-building would be to provide technical assistance to government and institutional bodies in order to consolidate mechanisms for long-term human rights protection in Haiti. It would aim to identify human rights problems within the legal and institutional system and to collaborate in the formulation of solutions through reforms or through the correct use of existing laws and institutions. The programme outlined below builds on elements that have already been initiated by MICIVIH and proposes other areas that could be developed.

1. Cooperation with police institutions

27. MICIVIH would build on the work it has already started with the new Haitian National Police, its aims being, inter alia, to improve the protection of detainees in police custody; to eradicate problems of inappropriate police conduct that have already been identified in the field; to strengthen mechanisms of accountability; to develop among the new police an awareness of human rights issues related to police conduct; and to strengthen the investigative capacity of the HNP. This would be done through consultations with the Ministry of Justice, including the Direction générale de la Police nationale, the Inspection générale de la Police (responsible for conducting inquiries into complaints and reports of police abuses), the Brigade d'enquêtes criminelles, and regional and local branches of the police, and with the judiciary.

28. MICIVIH would continue to participate in the training of police, at the national Police Training Academy (Académie de Police), and possibly at a local level, on issues such as the international standards regulating the use of force and firearms; respect for human rights during arrest and pre-trial detention; human rights standards for search and seizure and lawful crowd-control measures; and human rights considerations for police command, management and control. Training in methods of criminal investigation according to international human rights standards could also be developed, including the collection and use of forensic evidence.

2. Cooperation with penal institutions

29. MICIVIH began its involvement in penal reform in late 1994, collaborating with the Crime Prevention and Criminal Justice Branch of the Secretariat and the United Nations Development Programme (UNDP) to draw up and implement a reform project to create a civilian penal administration system, to train prison guards, to renovate certain detention centres and to establish a prison registration system. Much of that programme is now under way. It is envisaged that MICIVIH would continue to work, through contacts with APENA at both the national and local levels, in the areas of prisoner registration and prison

guard training, and would contribute to the development of internal regulations (in particular in terms of investigating reported excesses by prison guards and the administration of appropriate sanctions in such cases), as well as rules on prison discipline. It could also focus on ways of improving communication between judicial and prison authorities in order to speed up legal proceedings and reduce the risks of prolonged pre-trial detention.

3. Cooperation related to the administration of justice

30. Cooperation related to the administration of justice would involve assistance to a number of different bodies, including the following.

Ministry of Justice

31. Cooperation would consist of advice on legal measures to be taken in order to improve human rights protection through the criminal justice system (for example on issues such as juvenile justice, crime prevention, speedy trials and non-custodial measures); the training of government officials on human rights treaty reporting and international obligations; and cooperation with the Commission de la Refonte des Codes (the Commission set up to revise and update the various legal codes).

Legislature (Assemblée nationale)

32. Cooperation by MICIVIH directed at lasting improvements to Haitian legislation and legislative practice should be extended to the relevant parliamentary committees, for example, the Legislative Reform Committee - to provide assistance in bringing relevant domestic law (i.e. the Penal Code, the Code of Penal Procedure and the penal regulations) into conformity with international human rights standards and with the Haitian Constitution; the International Treaties Committee - to assist in addressing the issue of ratification of and accession to international and regional human rights treaties not yet ratified by Haiti (including United Nations and OAS conventions against torture, and the Optional Protocols to the United Nations International Covenant on Civil and Political Rights); and the Human Rights Committee - to make recommendations on the programme of work and on specific subjects as they arise.

Courts and Prosecutors' Offices (Tribunaux et Parquets)

33. MICIVIH would provide assistance to the Courts and the Prosecutors' Offices to facilitate their understanding of the protection of human rights through the correct application of procedures of criminal prosecution and to provide guidance on the implementation of judicial reforms. Its other main area of assistance would involve the training of judges, prosecutors and clerks on human rights issues related to the administration of justice, using both existing legislation and appropriate international standards for human rights. It would also include reference to forensic and scientific expertise.

Human Rights Ombudsman (Office de la Protection du Citoyen)

34. This office, created by decree in September 1995, has not yet been established. MICIVIH could assist in its development. Other bodies to which MICIVIH could give technical assistance include bar associations and non-governmental legal aid organizations, in particular with regard to legal defence work and the establishment of a legal assistance programme, and faculties of law, regarding the incorporation of human rights-related legal issues into school curricula. MICIVIH would also be in a position to assist in the establishment of a public defender's office, should such a body be created.

4. Cooperation with health-related institutions

35. MICIVIH has already had extensive experience in the field of the treatment and rehabilitation of victims of human rights abuse as well as the medical documentation of human rights violations. In order to strengthen institutional support for victims of human rights abuse, the Mission could provide technical assistance to the appropriate ministries and also non-governmental organizations on these issues: advise on the incorporation of human rights-related aspects of medicine into the curricula of medical and nursing schools; assist in the development of training for public mental health services on human rights-related issues; and facilitate the establishment of a structure charged with the rehabilitation and social reintegration of victims of human rights violations.

5. Possible cooperation regarding institutional follow-up to recommendations of the Truth and Justice Commission (Commission nationale de Vérité et de Justice)

36. At the time of writing, the recommendations of the Truth and Justice Commission are not yet known. They are expected to be submitted to the Government at the end of January 1996. MICIVIH would be able to offer its collaboration on any institution-related follow-up that falls within its mandate.

B. Protection through the promotion of human rights

37. The programme would promote basic human rights, tolerance and peaceful conflict-resolution, as well as an understanding of the responsibilities and role of the citizen, the State and democratic governmental institutions. Programme activities would emphasize education, information and technical assistance to targeted groups and associations and would pay particular attention to the needs of the most vulnerable groups. The training programme for trainers in civic and human rights education begun by MICIVIH would be expanded substantially to involve non-governmental organizations working in adult education, elected government officials at all levels, popular and peasant organizations, women's associations, religious institutions and the formal education sector. MICIVIH would sponsor and participate in seminars and other forums on aspects of women's, children's and workers' rights, as well as on the role of the police, the judiciary and the prison system. MICIVIH would also

prepare printed material, audio and video tapes on human rights issues, international standards and civic education for distribution to the press, state institutions, civil society and specially targeted groups. It would translate into Creole the main international human rights instruments and distribute them as widely as possible.

Cooperation with ministries and other government bodies

38. MICIVIH would offer technical assistance to the Ministry of Women's Affairs in reforming legislation affecting women and in developing campaigns against violence and in favour of women's rights; to the Ministry of Social Affairs in reforming legislation concerning children, developing campaigns for children's rights and protecting children from abuse; to the Ministry of Education in developing human rights curricula and training teachers for schools at every level; to the Office national pour la Migration in protecting the rights of former refugees and internally displaced persons and other Haitians forcibly returned from abroad; and to the Ministry of Agriculture (through the Organisme pour le Développement de la Vallée de l'Artibonite and the Institut national pour la Réforme agraire, in facilitating the resolution of land conflicts through peace-promotion techniques.

VI. RELATIONS BETWEEN THE INTERNATIONAL CIVILIAN MISSION TO HAITI AND THE UNITED NATIONS MISSION IN HAITI

39. MICIVIH operations have been facilitated by its smooth relations with UNMIH, with frequent consultation, coordination and exchange of information taking place at all levels of both Missions. MICIVIH continued to work closely with the civilian police component of UNMIH in monitoring the conduct of the HNP in the area of human rights and in observing the performance of the recently established cadre of corrections officers, as well as conditions of detention.

40. The administrative component of UNMIH has helped meet MICIVIH requirements by providing a full range of administrative services pertaining to personnel, procurement, finance, transport, communications, logistics, movement control, general services, management information, security, building management and engineering. Additional support was provided at times of increased activity, during the period of electoral observation for instance. Outposted UNMIH administrative officers have provided similar support to MICIVIH elements in their areas of operation, in addition to their functions in support of military and civilian police personnel. The Air Operations Section of UNMIH has facilitated and provided transportation on scheduled flights for MICIVIH personnel and equipment to all locations within the Mission area.

VII. OBSERVATIONS AND CONCLUSIONS

41. It is clear that the human rights situation has improved dramatically as a result of the reforms initiated, including the replacement of the Armed Forces by new institutions such as the civilian police force and the civilian penal administration, as well as the efforts of the authorities, timid though they may

be, to uphold accountability. However, serious weaknesses remain in both the old and the new institutions on which the protection of human rights rests. This is the area on which MICIVIH has placed emphasis since its redeployment in October 1994. It is also in this area that the Mission, because of its extensive field experience and expertise, can continue to make a significant contribution to the consolidation of key structures charged with respect of human rights and to the deepening of the incipient democratic process.

42. In my previous report to the General Assembly, in which I recommended an extension of the mandate of MICIVIH until 7 February 1996, I observed that in so doing I had indicated to the Government of Haiti that it would be important that any request for a further extension of the mandate beyond that date be received in time for the General Assembly to be able to consider it under the item entitled "The situation of democracy and human rights in Haiti" at its fiftieth session. After consultation with the Secretary-General of the Organization of American States, who had expressed his readiness for a continued MICIVIH presence in Haiti after 7 February 1996, I stated my intention, upon receipt of a request from the Government of Haiti, to formulate a recommendation to the General Assembly for an extension of the mandate of MICIVIH. As mentioned at the outset of the present report, the General Assembly responded by expressing its readiness to extend the United Nations component of MICIVIH beyond 7 February 1996 upon my recommendation and at the request of the Haitian authorities. The present report was drawn up in the expectation that the Government of Haiti would, as had been indicated, make such a request. No such request had been received at the time the present report went to print. I am not therefore in a position to recommend at this point, that the mandate, as outlined above, of the United Nations component of MICIVIH be extended until 31 August 1996.

43. I am, however, obliged to point out that, given the decisions on the programme budget for the biennium 1996-1997 adopted by the General Assembly in resolution 50/215 of 23 December 1995, and given the cash-flow crisis that continues to afflict the Organization, it would be necessary for the General Assembly to appropriate additional funds to cover the costs of MICIVIH for this further mandate period and for there to be assurances that those funds would be made available in the necessary time-scale. Meanwhile, I am taking the necessary administrative measures that would enable me to respond, as appropriate, should a request be made by the Haitian authorities.

44. In submitting the present report to the General Assembly, I wish to express my appreciation for the excellent and creative work done by the Director of the Mission and his staff in carrying out the mandate entrusted to them.